

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
DIVISION

FILED BY ABG D.C.

05 JUL -1 PM 12:34

DELLA M. COULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

HOME BUYERS WARRANTY INS. SERV.
LLC, and NATIONAL HOME INS. CO.,)

Plaintiffs,)

vs.)

No. 04-3010 MV

CHARLES PARK and DONNA PARK,)

Defendants.)

RULE 16(b) SCHEDULING ORDER

Pursuant to written notice, a Rule 16(b) scheduling conference was held on June 30, 2005. Present were Julie Peak, counsel for plaintiffs, Home Buyers Warranty Insurance Services, LLC and National Home Insurance Company, participating by phone, and T. Tarry Beasley, counsel for defendants, Charles and Donna Park.

The plaintiffs in this case have filed a petition to compel the defendants in this case, Charles Park and Donna Park, to arbitrate the claims they are presently prosecuting in state court and to stay the state court action. Accordingly, there will be no discovery in this federal proceeding, and substantive discovery will take place in the state court action should the court deny the motion to compel arbitration and stay discovery. This case will not be set for trial. The case will be determined based upon the

plaintiffs' petition to compel arbitration, the defendants' response to the petition, and the reply to the response if the pending motion to file a reply is granted.

At the conference, the following matters were agreed upon and the following dates were established as the final dates for:

PLAINTIFFS' MOTION TO COMPEL ARBITRATION: already filed

DEFENDANTS' RESPONSE TO MOTION TO COMPEL ARBITRATION: already filed

PLAINTIFFS' RESPONSE TO REPLY: motion pending with reply attached

OTHER RELEVANT MATTERS:

If factual issues arise that necessitate discovery, for example, whether the parties executed an agreement to arbitrate, then the parties may request a scheduling conference and amended scheduling order.

The parties have not consented to trial before the magistrate judge. Alternate dispute resolution is not appropriate.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.

IT IS SO ORDERED this 30th day of June, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 29 in case 2:04-CV-03010 was distributed by fax, mail, or direct printing on July 1, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT